

REMARKS/ARGUMENTS

After the foregoing amendment, claims 1-43 are currently pending in this application. Claims 4, 16, 17, 24, 29, 30 and 31 have been canceled without prejudice. New claims 32-43 have been added to more distinctly claim subject matter which the Applicants regard as the invention. Applicants submit that no new matter has been introduced into the application by these amendments.

Claim Rejection – 35 USC §101

Claim 30 stands rejected under 35 U.S.C §101 as being directed to non-statutory subject matter. Claim 30 has been cancelled without prejudice.

Claim Rejections - 35 USC §103(a)

Claims 1-3,5-15,18-23 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shaughnessy (US Patent 6141347) in view of Langlet (US Patent 5930248) and in further view of Emilsson (WO 01 82645).

Applicants respectfully suggest that the combination of the three references does not teach or suggest all the claimed limitations. Therefore, Applicants respectfully request that the rejection of all claims be withdrawn.

Pursuant to MPEP Section 706.02(j): "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion

or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. [emphasis added]."

The Examiner states that Emillson teaches "each user terminal is informed in a paging message sent to the user terminal in advance as to which channel to receive the combined message". Applicants respectfully disagree.

Emillson discloses a cellular telephone system. Emillson's intent is to allow a provider of content to send that content to a select group of subscribers and to invoice those subscribers for the content. In furtherance of that intent, Emillson discloses transmitting encoded data to the subscriber base that may be decoded by a recipient with a key. Those subscribers that wish to receive the encoded data, or content, may decode the encoded data with a key that is stored in each respective handset. Therefore, in the system disclosed by Emillson, the subscribers are aware that they will be receiving data in advance, and are simply waiting to decode the data once it is received. Furthermore, the subscribers of Emillson know, in advance, the type of data and the channel on which the data is broadcast.

This is unlike the present invention, which, as set forth in claims 1, 13, and 32, includes, "sending to each of said multicast group member, via one of said

plurality of wireless channels, a paging message indicative of said allocated wireless channel over which to receive said multicast message....." Therefore, as the combination of references does not disclose or suggest all claim limitations, Applicants respectfully suggest that claims 1, 13, and 32 are allowable over the cited art.

Claims 2, 3 and 5-12 are dependant, either directly or indirectly, upon claim 1. Claims 14, 15, 18-23, 25-28 are dependant, either directly or indirectly, upon claim 13. Claims 33-42 are dependant, either directly or indirectly, on claim 32. Applicants believe that the dependant claims are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the rejection of all pending claims is respectfully requested.

Applicant: Farley et al.
Application No.: 09/360,024

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including all pending claims, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Farley et al.

By

John C Donch Jr.

Registration No. 43,593

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

JCD/MIC/tm
Enclosures